

REMARKS

Claims 3-10, 14-20 and 23-25 are currently pending in the application. Claims 3, 4, 6-8, 10, 19, 20, 23 and 25 stand rejected under 35 U.S.C. §103 as obvious over U.S. Patent Application Publication No. US 2005/0131571 (Costin) in view of U.S. Patent No. 6,414,693, to Berger et al. (Berger). Claims 5, 9, 14-18 and 24 stand rejected under 35 U.S.C. §103 as obvious over Costin in view of Berger, and further in view of U.S. Patent No. 6,344,853 (Knight).

All claims stand alternatively rejected under 35 U.S.C. §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the invention.

Reconsideration of the rejection of claims 3-10, 14-20 and 23-25 is requested.

The Examiner argues, as the basis for the rejection under 35 U.S.C. §112, that the "first location", as claimed, is not clear. The claims have been amended to more clearly set forth that the first location is on the object itself.

Applicant respectfully submits that there appears to be a misunderstanding as to the significance of the "first location" in each of the pending claims. Applicant will now provide an example of the significance of the placement of a particular design element on an object, according to one aspect of the invention.

A user can generate an image of an object, such as a cap, and a design element that is placeable selectively thereupon. For example, a user might select a cap and place a particular logo on the front wall of the crown. The front wall of the crown at which the logo is placed is the claimed "first location". The user is allowed to see what the cap looks

like with the logo at the first location (on the front wall of the crown) from two different perspectives, which may be a side view, front view, two different side perspective views, etc.

Through the invention, the user is effectively simulating the concept of inspecting an actual cap with a fixed logo by picking the same up and rotating it through different perspectives to see what the cap looks like with the logo at the same fixed location.

Applicant has attempted to clarify this concept throughout the claims by amendments thereto.

Applicant has also considered the Examiner's arguments on page 11 of the Action related to the "adapted to" language. All claims have been amended to eliminate language that would arguably have no patentable significance in terms of limiting the claim scope. While the Applicant respectfully disagrees with the Examiner's interpretation, this language has nonetheless been changed to avoid any argument and advance prosecution.

The primary reference, Costin, permits only two separate views - front and back. Costin at best affords a system wherein a user has only the options of viewing a design element that is at two separate locations on an object. That is, if the design element is put on the front of Costin's object, it would not be viewable from the rear, and vice-a-versa. Applicant's claims have been amended to clearly indicate that the design element is at a single location on the object, and viewable from two different perspectives. Costin does not teach or suggest the ability to view an applied design piece (and the associated object) from two different perspectives.

Berger is relied upon for the concept of having perspective/three-dimensional views. However, consistent with the teachings of Costin's, if one skilled in the art combined Berger's teachings with Costin, one would still have only a system wherein an object with the design element at any location would be viewable from only a single perspective. This is entirely different from the concept of viewing an object from different perspectives to see what the design element at the single location looks like from different perspectives.

Knight is relied upon for the disclosure of changing the image on a cap. However, Knight, taken in combination with Costin and Berger, does not teach or suggest the critical aspect of the present invention, that being the ability to view from different perspectives an object having a design element at the same location thereon.

All independent claims are thus believed allowable for the reasons stated above. The remaining claims depend cognately therefrom and recite further significant detail to further distinguish over the cited art.

Reconsideration of the rejection of claims 3-10, 14-20 and 23-25 and allowance of the case are requested.

Respectfully submitted,

By 
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, IL 60661
(312) 876-1800

Date: Nov 30, 2006